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REMARKS

In response to the Office Action mailed on August 29, 2008, Applicant(s) respectfully request(s) reconsideration. Claims 1, 5-13, 21 and 24-26 are now pending in this Application. In this Amendment, claims 1, 10, 13, 21 and 26 been amended and claims 5 and 11 have been cancelled and claims 32-35 have been added. Claims 1, 10, 13, 21 and 26 are independent claims and the remaining claims are dependent claims. Applicant(s) believe that the claim(s) as presented are in condition for allowance.

The Office Action rejects claims 1, 5-6, 13, 21 and 24-26 under **35 U.S.C. §103** as being obvious over Nishimura '958 (U.S. Patent No. 6,778,958) in view of Rorex '184 (U.S. Patent No. 7,089,184).

Specifically, with respect to claim 1, the Office Action alleges that Rorex '184 teaches acoustic features including a function of a pitch of words, citing Rorex at col. 10, lines 17-27. Rorex '184, however, teaches a system based on identification of transnemes- transitions between atomic elements of speech (phonemes), as shown at col. 5, line 65-col. 6, line 15. In contrast, Claim 5 recites an acoustic feature derived from the average pitch of words, not transnemes denoting frequency deltas between phonemes as in Rorex. Accordingly, no function or operation with respect to particular words is shown by Rorex '184, in contrast to the subject matter of claim 5, that recites an average pitch for a set of words (page 15, lines 8-11).

The Office Action suggests that Rorex anticipates the subject matter of claim 5 at col. 10, lines 17-27. Rorex however, does not show, teach or disclose an average pitch with respect to particular words, only that a change in tone may occur (col. 10, lines 25-26). Rorex acknowledges that the detected pitch is derived from the frequency (col. 15, lines 37-38), however, Rorex is looking for changes in frequency denoting the transnemes, and "periods of substantially no frequency change are ignored" (col. 10, lines 14-16). Since Rorex is based on detection of frequency differences, computation of an average frequency, or

pitch, would frustrate the purpose of Rorex because the frequency distinctions would be obliterated. To this end, Rorex acknowledges that:

“Another difference between the invention and the prior art is that gaps or silences between phonemes are detected and removed by the frequency spectrum differences. If a spectrum difference evaluates to be approximately zero, that means that the spectrum frame has not changed appreciably since the last frequency domain transformation. Therefore, a transition from one phoneme to another (i.e., a transneme) has not occurred and as a result the particular time sample may be ignored.” (col. 9, lines 20-39).

This recitation of Rorex ‘184 emphasizes that Rorex seeks discrete frequency changes, not an average pitch of words, and that silence periods are ignored, rather than sought, since they denote periods of a lack of frequency changes. Further, one of skill in the art would not look to Rorex ‘184 to modify Nishimura because Nishimura is based on individual phonemes (col. 1, line 61-col. 2, line 6), and in any event application of Rorex ‘184 frustrates the purpose of the present invention by focusing on transitional deltas rather than averaging frequency (pitch) values.

Claims 13, 21 and 26, rejected on similar grounds, have been likewise amended as claim 1 and are therefore submitted as allowable for the reasons given above.

The Office Action further rejects claim 11 based on the combination of Nishimura ‘958, Franz, U.S. Patent No. 6,356,865 (Franz ‘865) and Roth, U.S. patent No. 7,313,526 (Roth ‘526). Franz ‘865 is cited for the prospect of disclosing selection of a correction choice that includes the non verbalized punctuation mark, citing Franz at Fig. 13. Fig. 13 and the accompanying discussion, however, shown proposed spacing between words, not punctuation marks (1306, 1314). Franz shows alternatives to identified sounds, not to pauses between (i.e. a lack of sounds indicating possible punctuation), because the disclosed alternatives emanate from whole words, not from word breaks suitable for punctuation insertion. This is further shown by the example of Franz

'865, where the single word "recognize" (1304) yields the phrase "wreck a nice" (1314), thus illustrating that Franz is performing detection of additional words, not detection of silence or pauses.

Further, there is no showing, teaching, or suggestion in Nishimura '958 or Franz '865 that would lead one of skill in the art to modify either according to Roth '526. While Roth, however, teaches a menu pull-down selection of text (3304), Roth does not show, teach or disclose distinguishing punctuation, either verbal or non-verbal, from received speech because Roth requires manually switching to a punctuation vocabulary (col. 35, lines 5-14). Accordingly, even if one were to modify Nishimura or Franz with Roth '526, the invention of claim 11 would still not be realized because there is no showing, teaching or disclosure of the correction choices including the non-verbalized punctuation mark because Roth cannot identify a non verbalized punctuation mark- Roth requires manual input to specify punctuation marks. To this end, claim 10 has been amended with the features of claim 11 and it is respectfully requested that the rejection under 35 U.S.C. 103(a) be withdrawn.

Claim 32 has been added, depending from claim 1 to clarify that the text features include identifying words before and after the word gap, as discussed at page 13, lines 6-7 of the specification as filed.

Claim 33 has been added, depending from claim 32, to clarify that the acoustic features include the length of silence following a word gap and a function of a pitch of words adjacent to the word gap as discussed at page 13, lines 8-10 of the specification.

Claim 34 has been added, depending from claim 33, to clarify that the acoustic features based on words adjacent to the word gap include the average pitch of the words two back from the word gap and the a ratio of the average pitch words one forward and one back from the word gap, disclosed at page 13, lines 8-11.

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Claim 35 has been added, depending from claim 33, to clarify that the acoustic features include a trigram adjacent to the word gap, discussed at page 15, lines 11-14.

As the remaining claims depend, either directly or indirectly, from claims 1, 10 and 21, all claims in the case are respectfully submitted as allowable.

Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/CJL/

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